

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**TRUSTEES OF LABORERS DISTRICT
COUNCIL AND CONTRACTORS
PENSION FUND OF OHIO,**

Plaintiffs,

v.

EXCEL CONTRACTING, INC., et al.,

Defendants.

Case No. 2:12-cv-462

Judge Peter C. Economus

Magistrate Judge Norah McCann King

ORDER

This matter is before the Court for consideration of the Report and Recommendation of the Magistrate Judge. (Doc. 42.) The Magistrate Judge recommended that the Plaintiffs' Motion for Summary Judgment (Doc. 32) be granted and that judgment be accordingly entered in favor of the Plaintiffs.

The Report and Recommendation of the Magistrate Judge specifically advised the parties that failure to timely object to the Report and Recommendation results in a "waiver of the right to *de novo* review by the District Judge and of the right to appeal the decision of the District Court adopting the *Report and Recommendation*." (Doc. 42 at 8.) The time period for filing objections to the Report and Recommendation has expired. No party has objected to the Report and Recommendation.

The Court reviewed the Report and Recommendation of the Magistrate Judge pursuant to 28 U.S.C. § 636(b). Noting that no objections have been filed and that the time for filing such objections has expired, the Court **ADOPTS** the Report and Recommendation of the Magistrate Judge. Accordingly, summary judgment is awarded to the Plaintiffs and the Clerk is directed to enter judgment in their favor in the amount of \$214,058.00 representing withdrawal liability; \$14,139.87 representing interest for the period January 8, 2012 through January 7, 2014; and

\$45,639.57 representing liquidated damages, attorneys' fees and costs; with interest on the unpaid balance (including accrued interest) to be paid at the prime rate in effect on January 8th of each year beginning 2014, as determined by JPMorgan Chase Bank, N.A.

IT IS SO ORDERED.


UNITED STATES DISTRICT JUDGE